

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): Y. Ye et al.
Docket No.: SOM920030004US1
Serial No.: 10/699,020
Filing Date: October 31, 2003
Group: 3623
Examiner: Justin Pats

Title: Methods and Apparatus for Decision Support Activation and Management in Product Life Cycle Management

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection dated February 9, 2009, of claims 1-7, 9-12 and 15-19 of the above-identified application. No amendments are being filed with this request. A Notice of Appeal is submitted concurrently herewith. Applicants incorporate by reference herein all previous responses filed in the above-identified application.

The present application was filed on October 31, 2003 with claims 1-20. Claims 8, 13, 14 and 20 have been canceled without prejudice in prior amendments. Claims 1-7, 9-12 and 15-19 are pending with claims 1, 18 and 19 the pending independent claims. Claims 1-7, 9-12 and 15-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,184,940 (hereinafter "Matheson") in view of a public use of Microsoft Project 2002, as evidenced by Pyron, *Special Edition Using Microsoft Project 2002*, Que Publishing, August 5, 2002, pp. 1-47 (hereinafter "Project").

With regard to the §103 rejection of claims 1-7, 9-12 and 15-19, Applicants assert that the cited combination of Matheson and Project fails to teach or suggest each and every limitation of the claimed invention.

For example, independent claim 1 recites a computer-implemented method of managing at least one collaborative process performed in accordance with a first entity and at least a second entity, the method comprising the steps of: a computer obtaining information associated with the at least one collaborative process used to design and develop a given product; and based on at least a portion of the obtained information, the computer dynamically maintaining an information structure in the form of a context pyramid structure representative of the collaborative process so as to assist at least one of the first entity and the second entity in managing at least a portion of the collaborative process; wherein the context pyramid structure provides a representation of the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process. Independent claims 18 and 19 recite similar limitations.

While Matheson discloses a collaborative session recording model and Project discloses a project schedule management tool, neither reference alone or in combination discloses a context pyramid structure that provides a representation of the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process, as recited in claim 1 and the other independent claims.

The Office Action again points to Figs. 3-5 of Matheson with regard to a “pyramid structure,” however, it is clear that none of the structures shown in Matheson are pyramid structures, no less context pyramid structures. Furthermore, no where do Matheson or Project disclose any type of representation that comprises the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process, as recited in claim 1 and the other independent claims.

As noted above, claim 1 includes a limitation directed to a representation that comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process. In the Office Action

at pages 10-11, the Examiner contends “that the late indicator on Fig. 15.1 of Project derives from a calculation by the system revealing that the progress of a task has missed a deadline and is late or overdue. This indication imparts a sense of urgency on the task doers to complete the task as soon as possible and thus meets Applicant’s potential energy limitation.”

Applicants note it is axiomatic that “a patentee is free to act as his own lexicographer, and may set forth any special definitions of the claim terms in the patent specification or file history, either expressly or impliedly.” *Schoenhaus v. Genesco, Inc.*, 440 F.3d 1354, 1358, 78 USPQ2d 1252, 1255 (Fed. Cir. 2006). Accordingly, where a definition is provided by the applicant for a term, either explicitly or by implication (i.e., according to the usage of the term in the context in the specification), that definition will control interpretation of the term as it is used in the claim. See *Vitronics Corp. v. Conceptronic Inc.*, 90 F.3d 1576, 1583, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996); see generally *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*).

Accordingly, Applicants’ reliance on the specification’s implicit definition of “potential energy” is not an impermissible attempt to read limitations from the specification into a claim, but rather is a proper interpretation of the claim in light of the specification. See, e.g., *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1572, 7 USPQ2d 1057, 1065 (Fed. Cir. 1988) (If “words that are used in the claims [are] defined in the specification,” these definitions from the specification “must be imported into the claims to give meaning to disputed terms.”)

The specification at page 15, lines 18-22, states, with added emphasis, that:

When a real check point passes the absolute timeline, it gives other check points some urgency because others have to shorten their planned time so as to meet the absolute check points. This urgency is modeled as a potential energy which may be displayed at the dashboard so that the users can get a sense on whether they should speed-up to meet the absolute check point.

Thus, potential energy refers to an urgency associated with other check points after a check point passes a deadline. For example, a real check point which has already passed its absolute check point cannot meet its absolute check point regardless of how much users speed up.

Applicants respectfully submit that, even if one accepts the Examiner's characterization that the late indicator on Fig. 15.1 of Project imparts a sense of urgency on the task doers to complete a task indicated as late as soon as possible, such disclosure would still fail to teach or suggest an indication of potential energy as recited in claim 1 and described in the specification. Rather, the late indicator only reveals an increased urgency associated with the late task itself, rather than with other tasks. For example, with reference to Fig. 15.1 of Project, there is no indication that the late status of the task labeled "Create legal documents" may create an increased urgency, or may otherwise impact the performance, for the task labeled "Financing closed."

In view of the above, Applicants respectfully assert that independent claim 1 is patentable over Matheson and Project.

Independent claims 18 and 19 recite similar limitations, and are thus believed to be similarly patentable.

Dependent claims 2-7, 9-12 and 15-17 are patentable at least by virtue of their dependency from independent claim 1. Moreover, these dependent claims recite patentable subject matter in their own right.

In view of the above, Applicants believe that claims 1-7, 9-12 and 15-19 are in condition for allowance, and respectfully request withdrawal of the various rejections.

Respectfully submitted,



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Date: April 28, 2009

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

SOM920030004US1

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Filed

October 31, 2003

First Named Inventor

Y. Ye et al.

Art Unit

3623

Examiner

Justin Pats

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record.
Registration number 59,329

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



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Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.